

JUN 25 2010

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

BY D. MARK JONES, CLERK
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON EDWARD STANWORTH,

Defendant.

ORDER

Case No. 2:04-CR-780

Judge Dee Benson

This matter is before the court on defendant Jason Edward Stanworth's motion for review or clarification of sentence. (*See* Dkt. No. 297.) Specifically, Mr. Stanworth seeks an order granting him credit for time served. Having reviewed the motion, and being fully apprised of the law and Mr. Stanworth's situation, the court issues the following Order.

"After a district court sentences a federal offender, the Attorney General, through the Bureau of Prisons ("BOP"), has the responsibility for administering the sentence." *United States v. Wilson*, 503 U.S. 329, 335 (1992). A prisoner must exhaust all of his administrative remedies with the BOP or show that such exhaustion would be futile before he seeks judicial intervention regarding the calculation of his sentence. *See Garza v. Davis*, 596 F.3d 1198, 1203 (10th Cir. 2010). Here, Mr. Stanworth has not established that he exhausted his administrative remedies or that he qualifies for the narrow futility exception. Accordingly, Mr. Stanworth's motion is denied.

IT IS SO ORDERED.

DATED this 24th day of June, 2010.



Dee Benson
United States District Judge